



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

VIA USPS First Class Mail

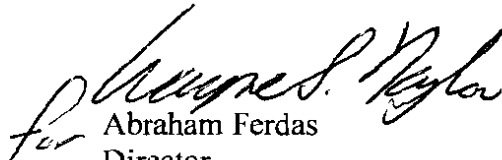
Matt Phillips
Commonwealth Laminating and Coating, Inc.
345 Beaver Creek Drive
Martinsville, VA 24112

Re: Resource Conservation and Recovery Act
Consent Agreement and Final Order
In the Matter of: Commonwealth Laminating and Coating, Inc.
Docket No. RCRA-03-2011-0306

Dear Mr. Phillips:

Enclosed is the Consent Agreement/Final Order ("CAFO") filed in the above named action pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3).

Sincerely,


for Abraham Ferdas
Director
Land and Chemicals Division


Enclosure


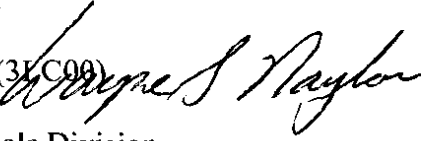
cc:

Charles L. Williams
Gentry Locke Rakes & Moore
10 Franklin Road SE
Suite 800
Roanoke, VA 24011

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Transmittal Memorandum
**In the Matter of: Commonwealth
Laminating and Coating, Inc.**
U.S. EPA Docket No. RCRA-3-2011-0306

FROM:  Marcia Mulkey (3RC00)
Regional Counsel

 Abraham Ferdas (3RC00)
Director 
Land and Chemicals Division

TO: Renée Sarajian (3RC00)
Regional Judicial Officer

The attached Consent Agreement and Final Order (“CAFO”) has been negotiated in settlement of EPA Region III’s civil claims arising from violations of the Virginia Hazardous Waste Regulations (“VaHWMR”), 9 VAC 20-260-10 *et seq.*, and Subtitle C of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. §§ 6901 *et seq.* by Commonwealth Laminating and Coating. The filing of the CAFO will simultaneously commence and conclude this proceeding pursuant to 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3). The CAFO is issued for violations that occurred at Commonwealth Laminating and Coating’s facility located at 345 Beaver Creek Drive, in Martinsville, VA, 24112. Final Orders are required to be signed by the Regional Administrator, or his designee, the Regional Judicial Officer in U.S. EPA Region III. The attached CAFO will become effective upon its filing with the Regional Hearing Clerk.

We concur with the terms of the attached CAFO. This settlement was determined in accordance with the statutory factors set forth in Section 3008(a)(3) and (g) of RCRA, with specific reference to EPA’s June 2003 RCRA Civil Penalty Policy, as modified by the Revised Penalty matrices of January 12, 2009. Accordingly, we recommend that you sign the attached Final Order and return the CAFO to the Office of Regional Counsel for further processing.

cc:

Charles L. Williams
Gentry Locke Rakes & Moore
10 Franklin Road SE
Suite 800
Roanoke, VA 24011

RECEIVED

2011 SEP 30 AM 11:55

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

REG. INFO. HEARING CLERK
EPA REGION III, PHILA. PA

IN THE MATTER OF:

	)	Docket No. RCRA-03-2011-0306
Commonwealth Laminating &)	
Coating, Inc.)	
345 Beaver Creek Drive	)	CONSENT AGREEMENT
Martinsville, VA 24112	)	Proceeding under Sections 3008(a) and (g)
	)	of the Resource Conservation and
RESPONDENT	)	Recovery Act, <i>as amended</i> , 42 U.S.C. §
	)	6928(a) and (g)

I. PRELIMINARY STATEMENT

1. This Consent Agreement (“CA”) is entered into by the Director of the Land and Chemicals Division, United States Environmental Protection Agency, Region III (“Complainant” or “EPA”), and Commonwealth Laminating & Coating, Inc. (“CLC” or “Respondent”), pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Pursuant to § 22.13(b) of the Consolidated Rules of Practice, this CA and the attached Final Order (“FO”, hereinafter jointly referred to as the “CA/FO”) both commence and conclude the above-captioned administrative proceeding against Respondent, brought under Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a) and (g), for alleged violations of RCRA at Respondent's facility at 345 Beaver Creek Drive, Martinsville, VA, 24112 (the “Facility”).
2. The Commonwealth of Virginia has received federal authorization to administer a Hazardous Waste Management Program (the “Virginia Hazardous Waste Management Program”) in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. The Virginia Hazardous Waste Management Regulations (“VaHWMR”), as codified at 9 VAC 20-260-10 *et seq.* (1984), were authorized, effective December 18, 1984 (49 Fed. Reg. 47391 (December 4, 1984)), by EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, and subsequently were re-authorized effective: August 13, 1993 (58 Fed. Reg. 32,885 (June 14, 1993)); September 29, 2000 (65 Fed. Reg. 46,607 (July 31, 2000)); June 20, 2003 (68 Fed. Reg. 36,925 (June 20, 2003)); July 10, 2006 (71 Fed. Reg. 27,216 (May 10, 2006)); and July 30, 2008 (73 Fed. Reg. 44,168 (July 30, 2008)). The provisions of Virginia's current authorized revised VaHWMR have become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to RCRA § 3008(a), 42 U.S.C. § 6928(a).

3. The factual allegations and legal conclusions in this CA are based on provisions of the VaHWMR in effect at the time of the violations alleged herein. The current VaHWMR incorporate, with certain exceptions, definitions and adopt specific provisions of Title 40 of the 2006 Code of Federal Regulations by reference. See 9 VAC 20-60-14, -18 and -260 through - 279.
4. On January 11, 2011 EPA sent a letter to the Commonwealth of Virginia, through the Virginia Department of Environmental Quality, giving Virginia prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
5. This CA is entered into by Complainant and Respondent to address the violations alleged in the Allegations of Fact, as set forth below.
6. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of this CA.
7. For the purposes of this proceeding only, Respondent neither admits nor denies the Allegations of Fact contained in this CA, except as provided in Paragraph 6, above.
8. For the purposes of this proceeding only, Respondent neither admits nor denies the Conclusions of Law contained in this CA, except as provided in Paragraph 6, above.
9. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations herein or to appeal the FO attached hereto.
10. The settlement agreed to by the parties in this CA reflects the desire of the parties to resolve this matter without litigation.
11. Respondent consents to the issuance of this CA and to the attached FO and agrees to comply with their terms. Respondent agrees not to contest Complainant's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement thereof.
12. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

II. ALLEGATIONS OF FACT AND CONCLUSIONS OF LAW

13. This section represents the Allegations of Fact and Conclusions of Law made by Complainant in this matter. As set forth in Paragraphs 7 and 8, above, Respondent neither admits nor denies these Allegations of Fact and Conclusions of Law, but agrees to this settlement to avoid further litigation, as set forth in Paragraph 10, above.

14. Respondent is, and was at the time of the violations alleged herein, a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and in 40 C.F.R. § 260.10, and as incorporated by reference by 9 VAC 20-60-260.A.
15. Respondent is, and was at the time of the violations alleged herein, the “owner” and “operator” of a “facility” located at 345 Beaver Creek Drive, Martinsville, VA 24112 (the “Facility”), as those terms are defined in 40 C.F.R. § 260.10, and as incorporated by reference by 9 VAC 20-60-260.A.
16. On November 17, 2010, a representative from EPA conducted an inspection at the Facility.
17. At the time of the inspection, and at all times relevant to the violations alleged in this CA, Respondent was a “generator,” and was engaged in the “storage” of materials described herein that are “solid wastes” and “hazardous wastes” in “containers” at the Facility, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference by 9 VAC 20-60-260. For the purposes of this proceeding, at all times relevant to the violations alleged in this CA, EPA has determined that Respondent generated greater than 1,000 kg of hazardous waste in a calendar month. Respondent was also a “small quantity handler” of “universal waste,” specifically “universal waste lamps,” as those terms are defined in 40 C.F.R. § 273.9, as incorporated into 9 VAC 20-60-273.

COUNT I

(Operating a treatment, storage, or disposal facility without a permit or interim status)

18. The allegations of Paragraphs I through 17 of this Consent Agreement are incorporated herein by reference.
19. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 40 C.F.R. § 270.1(b), as incorporated by reference into 9 VAC 20-60-270(a), no person may own or operate a facility for the treatment, storage, or disposal of hazardous waste unless such person has first obtained a permit for the facility or qualifies for interim status for such facility.
20. Respondent has never been issued a permit, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. Part 270, for the storage of hazardous waste at the Facility, and did not have interim status pursuant to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), or 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), at any time.
21. 40 C.F.R. §262.34(a), as incorporated by reference into 9 VAC 20-60-262, provides in pertinent part that a large quantity generator of hazardous waste who accumulates hazardous waste in containers on-site for less than 90 days is exempt from the requirement

to obtain a permit for such accumulation, so long as the hazardous waste is stored in accordance with a number of provisions set forth in that section, including, *inter alia*:

- a. 40 C.F.R. § 265.16(c), which is incorporated by reference into 40 C.F.R. § 262.43(a)(4), which in turn, is incorporated by reference in 9 VAC 20-60-262, provides that facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with hazardous waste management regulations, and also that facility personnel must take part in an annual review of the required initial training; and
- b. 40 C.F.R. § 265.16(d), which is incorporated by reference into 40 C.F.R. § 262.43(a)(4), which in turn, is incorporated by reference in 9 VAC 20-60-262, provides that the owner or operator of the facility must keep records at the facility documenting the job title for each position at the facility relating to hazardous waste management and the name of the employee filling each job; a written job description for each position listed, including the duties of facility personnel assigned to each position; and the training required and completed by the personnel filling the positions.

22. At the time of EPA's Inspection, Respondent was not in compliance with all of the conditions for temporary accumulation of hazardous waste by a large quantity generator pursuant to 40 C.F.R. § 262.34(a) as incorporated by reference into 9 VAC 20-60-262, described in Paragraph 21, above, and therefore did not qualify for the exemption from the permitting/interim status requirements provided by such sections. Specifically, Respondent failed to satisfy the exemption conditions set forth in 40 C.F.R. § 262.34(a) incorporated in 9 VAC 20-60-260(A) in the following ways:

- a. By failing to conduct annual refresher training for employees, including one employee listed in the Facility's emergency contingency plan; and
- b. By failing to maintain a documentation of the job titles and job description for each position at the facility related to hazardous waste management.

23. 40 C.F.R. § 262.34(c), as incorporated by reference into 9 VAC 20-60-262, additionally provides that a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status, provided that:

- a. each container is labeled or marked clearly with the words "Hazardous Waste" or with other words that identify the contents of the container; and

- b. the generator must comply with the requirements of 40 C.F.R. Part 265 Subpart I, including the requirement at 40 C.F.R. § 265.173(a) that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
24. At the time of EPA's Inspection, Respondent was not in compliance with all of the conditions of 40 C.F.R. § 262.34(c) as incorporated by reference into 9 VAC 20-60-262, described in Paragraph 23, above. Specifically, Respondent failed satisfy the exemption conditions set forth in 40 C.F.R. § 262.34(c) in the following ways:
- a. By failing to mark containers of hazardous waste with the words "Hazardous Waste" or other words identifying the contents of the containers, specifically containers in the Laboratory, the U73 Pressure-Sensitive Coating Room, and the Polyester Dyeing Line that were either unlabeled or labeled only as "waste;" and
 - b. By failing to keep containers holding hazardous waste closed during storage, except when necessary to add or remove waste.
25. The Facility was, at all times relevant to the violations alleged in this CA, a hazardous waste treatment, storage or disposal "facility," as the term is defined by 40 C.F.R. § 260.10, and as incorporated by reference by 9 VAC 20-60-260.A, with respect to the activities and units described herein.
26. Respondent has never had a permit or interim status for the Facility pursuant to 9 VAC 20-60-270.A, which incorporates by reference 40 C.F.R. Part 270 with exceptions not relevant herein, and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e).
27. Respondent stored hazardous waste at the Facility without a permit, interim status or valid exemption, in violation of 9 VAC 20-60-270.A, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

COUNT II

(Failure to keep containers closed except when adding or removing hazardous waste)

28. The allegations of Paragraphs 1 through 27 of this Consent Agreement are incorporated herein by reference.
29. Pursuant to 40 C.F.R. § 264.173(a), as incorporated by reference into 9 VAC 20-60-264, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

30. At the time of the November 17, 2010 Inspection, several satellite accumulation containers at the Facility holding hazardous waste were open during storage, even though it was not necessary to add or remove waste from these containers at the time of the inspection.
31. On November 17, 2010 Inspection, Respondent failed to keep containers holding hazardous waste closed during storage at the Facility while it was not necessary to add or remove waste, in violation of 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.173(a).

COUNT III
(Failure to Make a Waste Determination)

32. The allegations of Paragraphs 1 through 31 of this Consent Agreement are incorporated herein by reference.
33. 9 VAC 20-60-262, which incorporates 40 C.F.R. § 262.11, requires that any person who generates a solid waste, as defined in 9 VAC 20-60-261, which incorporates by reference 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.
34. During the November 17, 2010 Inspection, aerosol cans and contaminated solvent wipes were disposed of in the general trash, and facility representatives indicated that this was CLC's typical practice for handling aerosol cans. Respondent failed to determine whether the aerosol cans and the contaminated solvent wipes, which are solid wastes, are hazardous wastes.
35. Respondent failed to make hazardous waste determinations for the aerosol cans and the contaminated solvent wipes described above in violation of 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.11.

COUNT IV
(Failure to Store Universal Waste in Closed Containers)

36. The allegations of Paragraphs 1 through 35 of this Consent Agreement are incorporated herein by reference.
37. 9 VAC 20-60-273, incorporating 40 C.F.R. § 273.13(d)(1), requires, among other things, that a small quantity handler of universal hazardous waste, including used fluorescent lamps, contain the waste in structurally-sound containers or packages that remain closed and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

38. At the time of the November 17, 2010 Inspection, there were six open boxes containing universal waste lamps, as well as several loose universal waste lamps, in the Boiler Room.
39. Respondent failed to keep the universal waste lamps described above in properly closed containers, in violation of 9 VAC 20-60-273, which incorporates by reference 40 C.F.R. § 273.13(d)(1).

COUNT V
(Failure to Label Universal Waste Containers)

40. The allegations of Paragraphs 1 through 39 of this Consent Agreement are incorporated herein by reference.
41. 9 VAC 20-60-273, which incorporates by reference 40 C.F.R. § 273.14(e), requires that each spent lamp, or container or package containing such lamps, must be clearly labeled with one of the following phrases: "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)."
42. At the time of the November 17, 2010 inspection, none of the boxes of lamps or loose lamps in the Boiler Room were properly labeled or marked.
43. Respondent failed to label or mark its universal waste lamps or lamp containers in violation of 9 VAC 20-60-273, which incorporates by reference 40 C.F.R. § 273.14(e).

COUNT VI
(Failure to Conduct Annual Hazardous Waste Training)

44. The allegations of Paragraphs 1 through 43 of this Consent Agreement are incorporated herein by reference.
45. 9 VAC 20-60-264 incorporates by reference 40 C.F.R. Part 264, including 40 C.F.R. § 264.16(a), which requires that facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with hazardous waste management regulations.
46. 40 C.F. R. § 264.16(c), also incorporated by reference by 9 VAC 20-60-264, additionally requires that personnel must take part in an annual review of the required initial training.
47. For the calendar years 2006, 2007, 2008, 2009, and 2010, Respondent failed to provide a hazardous waste training program and annual reviews of such training to facility personnel whose positions related to hazardous waste management, specifically to a facility employee listed in the Facility's emergency contingency plan.

48. Respondent violated 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. §§ 264.16(a) and (c) by failing to provide a hazardous waste training program and annual reviews of such training to ensure that facility personnel perform their duties in a way that ensures the Facility's compliance with the requirements of RCRA.

**COUNT VII
(Failure to Maintain Job Description Records)**

49. The allegations of Paragraphs 1 through 48 of this Consent Agreement are incorporated herein by reference.
50. 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. Part 264, including 40 C.F.R. § 264.16(d), requires that the owner or operator of the facility keep records at the facility documenting the job title for each position at the facility relating to hazardous waste management and the name of the employee filling each job; a written job description for each position listed, including the duties of facility personnel assigned to each position; and the training required and completed by the personnel filling the positions.
51. At the time of the November 17, 2010 Inspection, Respondent failed to maintain the job titles or written job descriptions of employees whose positions related to hazardous waste management.
52. Respondent failed to maintain records containing the job titles and written job descriptions of employees whose positions related to hazardous waste manage in violation of 9 VAC 20-60-264, which incorporates by reference 40 C.F.R. § 264.16(d).

III. CIVIL PENALTY

53. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this CA/FO, Respondent consents to the assessment of a civil penalty in the amount of **THIRTY-TWO THOUSAND DOLLARS (\$32,000)** which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CA/FO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest in connection with such civil penalty as described in this CA/FO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CA/FO is mailed or hand-delivered to Respondent.
54. Pursuant to 26 U.S.C. § 162(f), the civil penalty agreed to herein is not tax-deductible.

55. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of the violations and good faith efforts of the Respondent to comply, as provided for in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).

56. Payment of the civil penalty amount set forth in paragraph 53, above, shall be made by either cashier's check, certified check, electronic wire transfer, or online via credit or debit card in the following manner:

a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2011-0306;

b. All checks shall be made payable to **United States Treasury**;

c. All payments made by check and sent by regular mail shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

d. All payments made by check and sent by overnight delivery service or Fed Ex shall be addressed for delivery to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1028

- e. All payments made by check in any currency drawn with no USA branches shall be addressed to:

Cincinnati Finance
U.S. E.P.A., MS-NWD
26 W ML King Drive
Cincinnati OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA: 021030004
Account No.: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
D 680107027 Environmental Protection Agency

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: John Schmid 202-874-7026 or REX 1-866-234-5681

- h. All on-line payments with a debit or credit card:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

57. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/payment_instructions.htm

58. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

T. Christopher Minshall
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

59. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
60. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a true and correct copy of this signed CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
61. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

62. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). The late payment penalty on any portion of the civil penalty that remains delinquent for more than ninety days shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

IV. COMPLIANCE ORDER

63. The person signing this CA on behalf of the Respondent certifies to EPA by his or her signature herein that Respondent, as of the date of its execution of this CA/FO, is in compliance with the provisions of RCRA, Subtitle C, 42 U.S.C. §§ 6901 *et seq.*, and the Commonwealth of Virginia's federally authorized hazardous waste program set forth at 9 VAC 20-60-10 *et seq.* at the Facility referenced herein. This certification is based on the personal knowledge of the signer or an inquiry of the person or persons responsible for the Facility's compliance with Subtitle C of RCRA.

V. OTHER APPLICABLE LAWS

64. Nothing in this CA/FO shall relieve Respondent of any duties or obligations otherwise imposed upon it by applicable Federal, State or local laws or regulations.

VI. RESERVATION OF RIGHTS

65. This CA/FO resolves only EPA's claims for civil penalties for the specific violations of RCRA Subtitle C which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in § 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CA/FO.

VII. FULL AND FINAL SATISFACTION

66. This settlement shall constitute full and final satisfaction of Complainant's claims for civil penalties for the specific violations set forth in the CA/FO.

VIII. PARTIES BOUND

67. This CA/FO shall apply to and be binding upon EPA, Respondent, and Respondent's officers, employees, agents, successors and assigns. By his/her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized to enter into this Agreement on behalf of Respondent and to bind Respondent to the terms and conditions of this CA/FO.

IX. EFFECTIVE DATE

68. The effective date of this CA/FO is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or his designee, is filed with the Regional Hearing Clerk.

X. ENTIRE AGREEMENT

69. This CA/FO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CA/FO.

For the Respondent:

Commonwealth Laminating & Coating, Inc.

Date: 9/27/11

By: Melanie J Bryant
Name Melanie J. Bryant
Title CFO

For the Complainant:

U.S. Environmental Protection Agency, Region III

Date: 9/29/11

By: T. Christopher Minshall
T. Christopher Minshall
Senior Assistant Regional Counsel

The Land and Chemicals Division, United States Environmental Protection Agency - Region III, recommends that the Regional Administrator of the U.S. EPA Region III or his designee issue the accompanying Final Order.

Date: 9/29/11

By: Abraham Ferdas
Abraham Ferdas, Director
for Land and Chemicals Division

RECEIVED

2011 SEP 30 AM 11:55

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CLERK
REGION III
1650 Arch Street
Philadelphia, PA 19103-2029
EPA REGION III PHILA. PA

IN THE MATTER OF:

	)	Docket No. RCRA-03-2011-0306
Commonwealth Laminating &)	
Coating, Inc.)	
345 Beaver Creek Drive	)	FINAL ORDER
Martinsville, VA 24112	)	Proceeding under Sections 3008(a) and (g)
	)	of the Resource Conservation and
RESPONDENT	)	Recovery Act, as amended, 42 U.S.C. §
	)	6928(a) and (g)

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, Commonwealth Laminating & Coating, Inc., have executed a document entitled "Consent Agreement" which I ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are incorporated herein by reference.

NOW, THEREFORE, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a), and based upon the representations of the parties set forth in the Consent Agreement that the civil penalty amount agreed to by the parties in settlement of the above-captioned matter is based upon a consideration of the factors set forth in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3), IT IS HEREBY ORDERED THAT Respondent shall pay a civil penalty in the amount of **THIRTY-TWO THOUSAND DOLLARS (\$32,000)** as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order is filed with the Regional Hearing Clerk of U.S. EPA, Region III.

Date: 9/30/11

BY: Renee Sarajian
Renee Sarajian
Regional Judicial Officer

RECEIVED

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY: 55
REGION III

1650 Arch Street
Philadelphia, PA 19103-2029

REGIONAL HEARING CLERK
EPA REGION III PHILA. PA

IN THE MATTER OF:

	)	Docket No. RCRA-03-2011-0306
Commonwealth Laminating and)	
Coating, Inc.)	
345 Beaver Creek Drive	)	CERTIFICATE OF SERVICE
Martinsville, VA 24112	)	Proceeding under Sections 3008(a) and (g)
	)	of the Resource Conservation and
RESPONDENT	)	Recovery Act, as amended, 42 U.S.C. §
	)	6928(a) and (g)

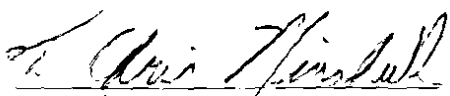
I certify that on the date noted below, I sent by Overnight Delivery Service, a copy of the Consent Agreement and Final Order, In the Matter of: Commonwealth Laminating and Coating, Inc., U.S. EPA Docket Number RCRA-03-2011-0306, to the persons and addresses listed below.

Charles L. Williams
Gentry Locke Rakes & Moore
10 Franklin Road SE
Suite 800
Roanoke, VA 24011

Matt Phillips
Vice President of Operations
Commonwealth Laminating
and Coating, Inc.
345 Beaver Creek Drive
Martinsville, VA 24112

The original Consent Agreement and Final Order, plus one copy, were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III.

9/30/11
DATE


T. Christopher Minshall
Senior Assistant Regional Counsel
Office of Regional Counsel
EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029